

*Defendants proposed*  
*Defendants have requested 45-60 days be added to these dates*

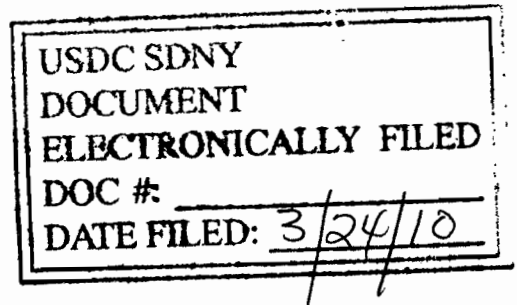
**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**In Re: Methyl Tertiary Butyl Ether ("MTBE")  
Products Liability Litigation**

**Master File No. 1:00-1898  
MDL 1358 (SAS): M21-88**

**This Document Relates To:**

*West Hempstead Water District v. AGIP, Inc. et al., 03-cv-10052  
 Village of Hempstead v. AGIP, Inc. et al., 03-cv-10055  
 Village of Mineola v. AGIP, Inc. et al., 03-cv-10051  
 Carle Place Water District v. AGIP, Inc. et al., 03-cv-10053  
 Town of Southampton v. AGIP, Inc. et al., 03-cv-10054  
 Town of East Hampton v. AGIP, Inc. et al., 03-cv-10056  
 Westbury Water District v. AGIP, Inc. et al., 03-cv-10057*



**[PROPOSED] CASE MANAGEMENT ORDER NO. 61**

**SHIRA A. SCHEINDLIN, U.S.D.J.:**

**THIS MATTER**, having come before the Court for a Case Management Conference among all of the parties on March 4, 2010; and the Court having determined at the Case Management Conference that entry of this Case Management Order will foster the efficient progress of this case to resolution; and for good cause shown all pretrial deadlines set forth in prior Case Management Orders for these matters are hereby modified:

PLEADINGS	DEADLINE
Defendants to Amend Master Answer(s).	April 1, 2010
Impleader – All Third Parties to be Served.	July 2, 2010
Case Management Conference to establish Third Party discovery dates.	August 9, 2010 at 4:30 am/pm

<b>FACT DISCOVERY</b>	<b>DEADLINE</b>
Defendants to Serve First Set of Interrogatories and Request for Production of Documents	March 26, 2010
Tartan Defendants to move or otherwise respond to Plaintiffs First Set of Interrogatories and Request for Production of Documents of February 12, 2010 and Plaintiffs' First Set of Title Tracing Interrogatories and Request for Production of Documents dated February 25, 2010.	<i>23</i> April 15, 2010
Plaintiff to move or otherwise respond to Defendants First Set of Interrogatories and Request for Production of Documents.	
Service of Supplemental Interrogatories and Requests for Production of Documents.	April 30, 2010
Parties to move or otherwise respond to Supplemental Interrogatories and Requests for Production of Documents.	May 24, 2010
Deadline to Complete Fact Witness Depositions.	July 9, 2010
Fact Discovery Closes. <sup>1</sup>	July 16, 2010

<b>EXPERT DISCOVERY</b>	<b>DEADLINE</b>
Plaintiff to Issue Additional Non-Case-Specific Reports <sup>2</sup>	July 23, 2010
Plaintiffs' Case Specific Expert Reports Produced.	July 23, 2010
Defendants' Affirmative Expert Reports Produced.	August 6, 2010

<sup>1</sup> With the following three exceptions/caveats: (1) the parties are entitled to limited fact discovery after this date relating to fact issues that arise in expert discovery; (2) the parties shall have ten days to respond to discovery requests that arise in and are made on the record during depositions, including up to ten days after this date; and (3) this deadline does not alter the parties' respective duties to supplement their responses and productions as per the Federal Rules of Civil Procedure.

<sup>2</sup> Plaintiff shall not amend its existing Non-Case-Specific Reports and shall issue additional reports only to the extent that fact discovery regarding the Defendants gives rise to information or data not previously known or presented in these MDL cases.


Defendants' Expert Rebuttals.	August 23, 2010
Plaintiffs' Expert Rebuttals.	September 7, 2010
Expert Depositions to be Completed.	September 30, 2010
DISCOVERY CLOSES	October 1, 2010

MOTION PRACTICE	DEADLINE
Initial Dispositive Motions.	April 15, 2010
Final Dispositive Motions:	
Rule 56.1 Statement.	November 19, 2010
Rule 56.1 Counterstatement.	December 17, 2010
Daubert Motions to be filed 15 days after the close of each expert's deposition.	Daubert Motions to be filed 15 days after the close of each expert's deposition.
Motions <i>In Limine</i> .	To Be Established at Pre-Trial Conference

A Pretrial Conference will occur on <sup>November 8</sup> December \_\_, 2010 at <sup>4:30</sup> \_\_ am/pm.

**SO ORDERED:**

**Dated: New York, New York**  
**March 23 2010**

  
**Hon. Shira A. Scheindlin, U.S.D.J.**